

REMARKS

Claims 1 and 43-61 are pending in the application. Claims 2-42 have been canceled without prejudice or disclaimer in the Supplemental Preliminary Amendment filed April 21, 2004.

Under the heading "***Information Disclosure Statement***," Page 2 of the Office Action states, "In reply to this office action, applicants should update the continuing data since serial number 10/138,534 has matured into patent number 6,683,648." However, Applicants respectfully submit that the priority history of this application was already updated by amendment to the first paragraph of the specification (*i.e.*, the priority claim) in the Supplemental Preliminary Amendment filed April 21, 2004. Moreover, issued U.S. Patent No. 6,683,648 was cited in the Supplemental Information Disclosure Statement, also filed April 21, 2004.

The Nonstatutory Double Patenting Rejection of Claims 1 and 43-61

Claims 1 and 43-61 have been rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-2, 5-11, 17, 20-24, 26, 36-37, and 40-41 of U.S. Patent No. 6,022,872 and over claims 1-2, 5-6, 9-10, 14, 17, 20, 26, 30, 36, and 37 of U.S. Patent No. 6,211,176.

In the interest of expediting prosecution, Applicants submit herewith a Terminal Disclaimer in compliance with 37 C.F.R. § 1.321(c) over the above-cited U.S. Patent Nos. 6,022,872 and 6,211,176, as well as related U.S. Patent Nos. 5,578,606; 6,403,585; and 6,683,648. Reconsideration and withdrawal of this rejection are respectfully requested.

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CONCLUSION

Accordingly, in view of the above amendments and remarks, all pending claims of this application are believed to be in condition for allowance, and acknowledgement of the same is respectfully requested. This response is believed to completely address all of the substantive issues raised in the Office Action dated November 15, 2004.

Respectfully submitted,

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